

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**STATE AUTO PROPERTY AND
CASUALTY INSURANCE COMPANY, §
§**

Plaintiff, §

VS. §

CIVIL ACTION NO. 4:19-CV-00852

**RAM INDUSTRIES ACQUISITIONS, §
LLC, AND KATYA ATANAS, §
§**

Defendants. §

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

COME NOW, Plaintiff State Auto Property and Casualty Insurance Company (“State Auto”) and Defendants RAM Industries Acquisitions, LLC (“RAM”) and Katya Atanas (“Atanas”) (collectively, the “Parties”), and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, hereby stipulate and agree as follows:

1. At this time, this action should be dismissed without prejudice to the refiling of any claims by any of the Parties.

2. Any discovery requests previously served in this action by any of the Parties are deemed withdrawn.

3. The Parties will attempt to resolve by agreement the issues in dispute among them regarding potential coverage for the Underlying Lawsuit¹ under the insurance policy issued by State Auto to RAM. If agreement on the coverage issues

¹ *Katya Atanas v. Wildcat Industries, LLC and RAM Industries Acquisitions, LLC*; Cause No. 2018-61161, in the 333rd Judicial District Court of Harris County, Texas.

cannot be reached, and further coverage litigation among the Parties becomes necessary, such coverage litigation will be filed in the United States District Court for the Southern District of Texas, Houston Division.

4. Each of the Parties will bear its own attorneys' fees and costs incurred in this action.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request that the Court enter the proposed Order dismissing this action in accordance with the terms of this Stipulation.

Respectfully submitted,

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/s/ Ashley F. Gilmore

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CERTIFICATE OF CONFERENCE

On December 19, 2019, the undersigned counsel communicated with Douglas P. Skelley, counsel for Defendant RAM, via e-mail regarding this motion, and he confirmed that Defendant RAM does not oppose the relief sought and joins in this motion. On December 19, 2019, the undersigned counsel communicated with Michael L. Hood, counsel for Defendant Atanas, via e-mail regarding this motion, and he confirmed that Defendant Atanas does not oppose the relief sought and joins in this motion.

/s/ Ashley F. Gilmore

Ashley F. Gilmore

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 20, 2019, the foregoing document was filed electronically through the Court's CM/ECF system, which caused all known counsel of record to be served with a copy of the foregoing document.

/s/ Ashley F. Gilmore

Ashley F. Gilmore